

COURT OF CRIMINAL APPEALS No. _____

APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS

FROM

CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

CIRCUIT COURT NO. CC 99-327

CIRCUIT JUDGE SALLY GREENHAW

Type of Conviction / Order Appealed From: STALKING

Sentence Imposed: 20 years

Defendant Indigent: ☒ YES ☐ NO

John Willie Minnifield

JOSEPH BURKHART 262-4800
(Appellant's Attorney) (Telephone No.)
472 S. Lawrence Street Suite 206

NAME OF APPELLANT

Montgomery, AL 36104
(Address) (City) (State) (Zip Code)

V.

STATE OF ALABAMA

(State represented by Attorney General)

NAME OF APPELLEE

NOTE: If municipal appeal, indicate above, and enter
name and address of municipal attorney below.

(For Court of Criminal Appeals Use Only)

COPY

1 IN THE CIRCUIT COURT

2 OF

3 MONTGOMERY COUNTY, ALABAMA

4
5 State of Alabama,

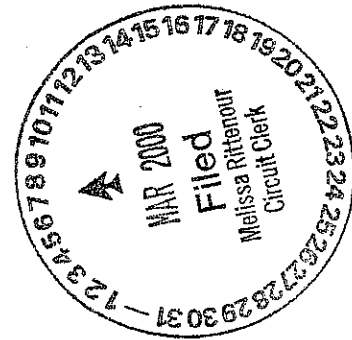
6 Plaintiff,

7 vs.

CASE NO: CC-99-327

8 JOHN WILLIE MINNIFIELD,

9 Defendant.



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13 * * * * *

14 PROCEEDINGS in the above-styled
15 cause before the Honorable Sally M. Greenhaw,
16 Presiding Judge, in Courtroom 3-C, Montgomery
17 County Circuit Court, 251 South Lawrence Street,
18 Montgomery, Alabama, commencing on Monday, January
19 10 and February 7, 2000.

20 * * * * *

21
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23
24
25 Meridith D. Newman, CSR
Official Court Reporter

APPEARANCES

FOR THE STATE:

Mr. Daryl Bailey
Montgomery County District Attorney
251 South Lawrence Street
Montgomery, Alabama 36104

FOR THE DEFENDANT:

Mr. John Wiley Hartley
Attorney at Law
312 Scott Street
Montgomery, Alabama 36104

Also Mr. Minnifield went pro se.

* * * * *

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1 THE COURT: Good morning. Y'all can
2 be seated. I'm Judge Sally Greenhaw, and we're
3 about to start a case. It's a criminal case, and
4 it's the State of Alabama versus John Minnifield.
5 Mr. Minnifield is charged with stalking a Vonciel
6 Minnifield by allegedly following, harassing, or
7 threatening her, which is alleged to have occurred
8 back in the fall of '98 in the vicinity of 770
9 Washington Avenue around the RSA Plaza. And I'm
10 mentioning that to you because I'm going to ask you
11 shortly if you know or if you've heard anything
12 about the case.

13 But before I do that, I'm going to introduce
14 you to everyone seated at counsel table. The State
15 today is represented by Daryl Bailey and seated
16 next to him is Vonciel Minnifield. And down at
17 this end is John Minnifield and his attorney, Wiley
18 Hartley. And now that I've introduced them to you,
19 it's going to be a good time for you to introduce
20 yourselves to us. I know this information is on
21 your questionnaire, but it's a good time for the
22 attorneys to put your face with your questionnaire.
23 When the clerk calls your name, if you would please
24 stand. If you're employed, tell us where. If
25 you're married, where your spouse is employed. Or

1 if you're retired -- lucky enough to be retired --
2 the occupation from which you're retired, and that
3 would also apply to your spouse.

4 THE CLERK: Richard Lamkin.

5 PROSPECTIVE JUROR: My name is
6 Richard Lamkin. I'm employed by Sears Roebuck and
7 Company. My wife is a housewife.

8 THE CLERK: Dorothy Lee.

9 PROSPECTIVE JUROR: My name is
10 Dorothy Lee. I'm employed by the Board of
11 Education and also Dairy Queen.

12 THE CLERK: Heather Leonard.

13 PROSPECTIVE JUROR: I'm Heather
14 Leonard. I'm a self-employed counselor, and my
15 husband is employed by Alabama Crown Distributing
16 Company.

17 THE CLERK: Rachelle Leslie.

18 PROSPECTIVE JUROR: I'm Rachelle
19 Leslie. I'm employed with Regions Bank, and my
20 husband is employed with Friedman's Jewelry.

21 THE CLERK: Sarah Lewis.

22 PROSPECTIVE JUROR: My name is Sarah
23 Lewis. I'm employed at True Divine Daycare -- I
24 teach a daycare at True Divine on Virginia Loop
25 Road. My husband is the produce manager of the

1 Calhoun Foods.

2 THE CLERK: Linda Livingston.

3 PROSPECTIVE JUROR: My name is Linda
4 Livingston. I'm currently unemployed. My husband
5 is on an operator line originating from Decampton,
6 California.

7 THE CLERK: Henry Longmire.

8 PROSPECTIVE JUROR: I'm Henry
9 Longmire employed with Charles Trucking Company.
10 My wife is employed with Russell Incorporation.

11 THE CLERK: Claudia Lowe.

12 PROSPECTIVE JUROR: I'm Claudia
13 Lowe, and I teach second grade, and I'm single.

14 THE CLERK: Gwendolyn Lusane.

15 PROSPECTIVE JUROR: I'm Gwendolyn
16 Lusane. I'm single. I'm employed temporary with
17 Unclaimed Property.

18 THE CLERK: Wanda Mack.

19 PROSPECTIVE JUROR: I'm Wanda Mack.
20 I'm employed with Macon County Board of Education.
21 I'm a kindergarten teacher. And my husband works
22 for the Department of Youth Services.

23 THE CLERK: Frances Mangum.

24 PROSPECTIVE JUROR: Pronounced
25 Mangum. Frances Mangum. I'm retired AT&T, and I'm

1 a widow.

2 THE CLERK: Yuri Manuel.

3 PROSPECTIVE JUROR: I'm Yuri Manuel,
4 employed (inaudible.)

5 THE CLERK: Joellen Marshall.

6 PROSPECTIVE JUROR: I'm Joellen
7 Marshall. I'm employed by Venture Travel, and my
8 husband is with Liberty International.

9 THE CLERK: Charlie Martin.

10 PROSPECTIVE JUROR: My name is
11 Charlie Martin. I'm employed by Longforce Baptist
12 Church, and my wife is employed by Macon East
13 Montgomery Academy.

14 THE CLERK: Roger Martin.

15 PROSPECTIVE JUROR: I'm Roger
16 Martin. I'm employed Retirement Systems of
17 Alabama, and I'm single.

18 THE CLERK: James McIndoe.

19 PROSPECTIVE JUROR: McIndoe. James
20 McIndoe. I'm employed by the State of Alabama,
21 Department of Environmental Management, and my wife
22 is a housewife.

23 THE CLERK: Gwendolyn McKenney.

24 PROSPECTIVE JUROR: I'm Gwendolyn
25 McKenney. I'm employed by the State of Alabama,

1 Department of Transportation. My husband is
2 employed with the Montgomery County Board of
3 Education and the City of Montgomery.

4 THE CLERK: Lilian McNiven.

5 PROSPECTIVE JUROR: I'm Lilian
6 McNiven. I'm a housewife, and my husband is
7 employed in St. Louis with Flight Safety
8 International.

9 THE CLERK: John Mitchell.

10 PROSPECTIVE JUROR: My name is John
11 Mitchell. I'm employed by Montgomery Board of
12 Education.

13 THE CLERK: Sharon Neely.

14 PROSPECTIVE JUROR: My name is
15 Sharon Neely. I'm single, and I work for Bylaw
16 Communications.

17 THE CLERK: Edward Ogwynn.

18 PROSPECTIVE JUROR: I'm employed by
19 Wilson Price Barranco, and Billingsley in
20 Montgomery. My wife is a housewife.

21 THE CLERK: Catherine Ortega.

22 PROSPECTIVE JUROR: Ortega.
23 Catherine Ortega. I'm single, and I work for the
24 State of Alabama, Department of Youth Services.

25 THE CLERK: Daisy Patton.

1 PROSPECTIVE JUROR: Daisy Patton.

2 I'm retired and a widow.

3 THE CLERK: David Penn.

4 PROSPECTIVE JUROR: My name is David
5 Penn. I work full-time for the Alabama National
6 Guard, and my wife is a homemaker.

7 THE CLERK: Nellie Perry.

8 PROSPECTIVE JUROR: My name is
9 Nellie Perry. I work were the U. S. Postal
10 Service, and I'm divorced.

11 THE CLERK: Lee Peters.

12 PROSPECTIVE JUROR: I'm Lee Peters.
13 I'm divorced, and I work part-time on weekends
14 nursing -- doing private nursing.

15 THE CLERK: Lawrence Phipps.

16 PROSPECTIVE JUROR: I'm Lawrence
17 Phipps. I'm employed by Longforce Baptist Church,
18 and my wife is the weekly preschool director at
19 Longforce Baptist Church.

20 THE CLERK: Donald Porter.

21 PROSPECTIVE JUROR: I'm Donald
22 Porter. I'm retired from civil service, computer
23 specialist. Currently doing part-time work for
24 Capital Chevrolet as a courtesy driver, and my wife
25 works as a court specialist in family court.

1 THE CLERK: Mary Pouncey.

2 PROSPECTIVE JUROR: I'm Mary
3 Pouncey. I'm a retired Federal employee, and I'm a
4 widow.

5 THE CLERK: Telissa Preston.

6 PROSPECTIVE JUROR: My name is
7 Telissa Preston. I'm employed by Kim Baking
8 Industry.

9 THE CLERK: Lori Pritchett.

10 PROSPECTIVE JUROR: I'm Lori
11 Pritchett. I work for Regions Financial Corp; and
12 my husband is employed with Knology, Incorporated.

13 THE CLERK: Franklin Reynolds.

14 PROSPECTIVE JUROR: Frank Reynolds.
15 I currently work for Yellow Freight System,
16 tractor-trailer operator. Also general
17 firefighter. My wife is a bank employee at Regions
18 Bank.

19 THE CLERK: That's it, Judge.

20 THE COURT: Okay. I'm going to
21 be -- excuse me, that time of the year. I'm going
22 to be asking some questions. If anyone needs to
23 respond, if you would please stand, give your name
24 again and any details that may be helpful.

25 When I refer to family members, I'm referring

1 to someone in your immediate family, your spouse,
2 children, grandchildren, brother, sisters, parents,
3 or grandparents. Or if there's a particular close
4 friend that you think it would be helpful for the
5 attorneys to have that information about, that
6 would be okay as well.

7 I've introduced you to everyone seated at
8 counsel table. And now I'm going to ask the same
9 question about each of them. And I'll start again
10 with Daryl Bailey. Is anyone here related to him
11 by blood or marriage or know Mr. Bailey?

12 (No response.)

13 THE COURT: Our DA in Montgomery
14 County is Ellen Brooks. Anyone know Ms. Brooks or
15 related to her by blood or marriage?

16 (No response.)

17 THE COURT: I'm not going to repeat
18 the same question, but what I need to know about
19 all of the people at counsel table or witnesses is
20 if you do know any of them or related to them.
21 And, again, down at this end is Vonciel Minnifield.

22 (No response.)

23 THE COURT: And at this end is John
24 Minnifield and his attorney, John Wiley Hartley.

25 (No response.)

1 THE COURT: And I'm going to go over
2 a number of witnesses who may be called and, again,
3 if you know any of them --

4 (Juror raises hand.)

5 MR. HARTLEY: Judge --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR: Judge, my name
8 is Edward Ogwynn. I know the defendant. He worked
9 for our firm.

10 THE COURT: Okay. We may need to
11 talk to you in private.

12 Anyone else?

13 PROSPECTIVE JUROR: Excuse me, you
14 asked about Ellen Brooks.

15 THE COURT: Yes, ma'am.

16 PROSPECTIVE JUROR: My name is Lee
17 Peters. I nurse her aunt.

18 THE COURT: Okay. So you would just
19 know her -- you don't visit --

20 PROSPECTIVE JUROR: I don't know her
21 personally, no.

22 THE COURT: Okay. Thank you.

23 I'm going to read out a number of potential
24 witnesses. They probably will not all testify, but
25 I need to know if you do know them or related. And

1 some of their names just may be mentioned during
2 the course of the trial. If you're not sure
3 whether you know anyone, the attorneys may be able
4 to help us out about where they work or live. But
5 these are potential witnesses. Tim Brown?

6 (No response.)

7 THE COURT: Rosebud Brown?

8 (No response.)

9 THE COURT: Ashley Cook?

10 (No response.)

11 THE COURT: Elester Claxton?

12 (No response.)

13 THE COURT: Lawanda Benson?

14 (No response.)

15 THE COURT: Nicolas Washington?

16 (No response.)

17 THE COURT: Pete Rose -- not the
18 baseball player.

19 (No response.)

20 THE COURT: Cassandra Williams?

21 (No response.)

22 THE COURT: G. L. Sisson?

23 (No response.)

24 THE COURT: Glemmitha Petace?

25 (No response.)

1 THE COURT: Johnnie Sullivan?

2 (No response.)

3 THE COURT: Ronnie Waters?

4 (No response.)

5 THE COURT: J. L. Harris?

6 (No response.)

7 THE COURT: Dana Cook.

8 PROSPECTIVE JUROR: I work with Dana
9 Cook occasionally.

10 THE COURT: Okay. Wait just a
11 minute. Is it on a daily basis or --

12 PROSPECTIVE JUROR: No. She's on my
13 floor. She is in my building.

14 MR. BAILEY: Judge, Dana Cook is
15 Ms. Minnifield's daughter. She's a juvenile. I
16 don't think it's the same one.

17 THE COURT: It's probably not the
18 same one. Thank you.

19 PROSPECTIVE JUROR: What about
20 Johnnie Sullivan?

21 THE COURT: He has the restaurant --
22 he has restaurants. Is that the same one?

23 MR. HARTLEY: Yes, Judge.

24 THE COURT: Okay. And do you know
25 him?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Is it of a patron of the
3 restaurant or --

4 PROSPECTIVE JUROR: Well, I've known
5 him pretty much all my life.

6 THE COURT: Okay. So you've just
7 known him through the years? Do you visit in each
8 other's home?

9 PROSPECTIVE JUROR: (Prospective
10 juror nods.)

11 THE COURT: And he may be more of a
12 character witness. I don't know for either side.
13 Will he be a fact witness as well?

14 MR. HARTLEY: I think he
15 characterizes, Judge, mostly character.

16 THE COURT: Well, let me just ask,
17 that you know him, would you give his testimony any
18 more weight than anyone else simply because you
19 know him?

20 PROSPECTIVE JUROR: I don't think
21 so.

22 THE COURT: So you could sit
23 impartially on this jury?

24 PROSPECTIVE JUROR: Sure.

25 THE COURT: Ed Excites. I think

1 he's also in the restaurant business and may be
2 there at the RSA Plaza. And you're nodding. Do
3 you know him also just --

4 PROSPECTIVE JUROR: I know Ronnie
5 Waters as well.

6 THE COURT: And does he work there
7 too?

8 PROSPECTIVE JUROR: They're in the
9 restaurant.

10 THE COURT: Do you know them simply
11 as a patron or do you visit in each other's home?

12 PROSPECTIVE JUROR: I have socially,
13 you know, been with them. But it's no big
14 relationship. I just know who they are.

15 THE COURT: Okay. Would it just be
16 on occasion at somewhere there would be quite a
17 number of other people present?

18 PROSPECTIVE JUROR: Right.

19 THE COURT: And, again, their
20 testimony may be more in the nature rather than a
21 fact witness as to what they observed. I don't
22 know, but more of a character witness. Would that
23 be correct?

24 MR. HARTLEY: Judge, they may know
25 some facts depending on how far the case goes.

1 MR. BAILEY: Mr. Waters would be the
2 only fact witness out of those that you called.

3 THE COURT: Well, that you know
4 them, would that --

5 PROSPECTIVE JUROR: I just know
6 who -- I've just been with them a couple of times.
7 It's not major relation.

8 THE COURT: That would not have any
9 impact with you sitting on this jury?

10 PROSPECTIVE JUROR: Not at all.

11 THE COURT: Is this Gloria or Glen
12 Purdue?

13 THE DEFENDANT: Gloris.

14 THE COURT: Okay.

15 (No response.)

16 THE COURT: Karen Carter Branch,
17 Kitty Carter, and Keisha Carter?

18 (No response.)

19 THE COURT: Don Thomason, Thomas
20 Hicks, Joy Dennington, and Sherry Milton?

21 (No response.)

22 THE COURT: Have I overlooked -- are
23 there any other potential witnesses?

24 MR. HARTLEY: I don't think so,
25 Judge.

1 THE COURT: Has anyone here heard
2 anything whatsoever about the facts or
3 circumstances surrounding the case?

4 (Juror stands.)

5 PROSPECTIVE JUROR: And you
6 mentioned that you knew him, and we'll talk with
7 you briefly.

8 THE COURT: Has anyone here or
9 anyone in your immediate family -- I don't think,
10 though, that we have any police -- do we have any
11 police officers testifying?

12 MR. BAILEY: Yes, Your Honor.
13 There's a Cassandra Williams --

14 THE COURT: Okay.

15 MR. BAILEY: -- Detective Williams,
16 who is now with the Alabama State Troopers, and
17 J. L. Sisson, who is with the Montgomery Police
18 Department and Officer --

19 THE COURT: Okay. Well, there are a
20 number. I know you've already given -- told
21 information on your questionnaire about past
22 contact or employment with police or law
23 enforcement agencies. There are going to be some
24 police officers testifying. Would anyone here
25 automatically give a police officer or law

1 enforcement officer's testimony more weight than
2 you would any other witness simply because of the
3 position they hold?

4 (No response.)

5 THE COURT: Does anyone here have
6 any interest whatsoever in the conviction or
7 acquittal of defendant or made any promises or
8 given any assurance that he or she will convict or
9 acquit?

10 (No response.)

11 THE COURT: Does anyone here have a
12 fixed opinion as to the guilt or innocence of the
13 defendant which would bias your verdict?

14 (No response.)

15 THE COURT: The next question, if
16 you had rather not answer in front of everyone, we
17 probably -- we'll probably need to talk to a couple
18 of you in private anyway -- but I do need to know
19 if anyone in your immediate family has been charged
20 with or a victim such as stalking. And I would
21 include that to mean any type of domestic -- this
22 matter does -- in fact, I think the parties are
23 still married at this time. But a domestics type
24 relation -- if you've ever been charged with or
25 convicted of any offense that would arise out of

1 that type situation or stalking or harassment?

2 (Juror raises hand.)

3 THE COURT: And had you rather talk
4 to us in private?

5 (Juror nods.)

6 THE COURT: I'll let anyone talk
7 with us in just a moment. Just stay in here.

8 Mr. Bailey, do you have additional questions?

9 MR. BAILEY: Just a few, if I may,
10 Your Honor?

11 Of course, Your Honor has stated, I'm Daryl
12 Bailey, and I represent the State of Alabama in
13 this case. I work for Ellen Brooks, who is the
14 district attorney for Montgomery County. And I am
15 the deputy district attorney for Montgomery County.
16 As Judge Greenhaw has stated, this case is about
17 stalking. And I just want to ask you a few
18 questions. And if any of you don't feel
19 comfortable answering these questions amongst the
20 whole group, if you would, please just say after
21 you're dismissed, and we'll talk to you at that
22 time. Is there anyone here in this group -- I'm
23 sorry, ma'am?

24 (Juror raises hand.)

25 PROSPECTIVE JUROR: I'm sorry. I

1 think I know him -- I think I know you. Is your
2 wife Tracey Bailey?

3 MR. BAILEY: (Attorney nods.)

4 PROSPECTIVE JUROR: I know him -- I
5 know his wife.

6 THE COURT: You must not know him
7 too well.

8 PROSPECTIVE JUROR: I've seen you
9 once, but I work with your wife. I don't know if
10 that's a problem or not.

11 THE COURT: Would that have any
12 impact with you sitting on this jury?

13 PROSPECTIVE JUROR: I don't think
14 so.

15 THE COURT: We would -- you don't
16 see him on a regular basis and you don't visit with
17 him?

18 PROSPECTIVE JUROR: No, ma'am.

19 THE COURT: Okay.

20 MR. BAILEY: Is there anyone here in
21 this group that would need to be one hundred
22 percent sure that the defendant committed the crime
23 of stalking in this case or in any case before you
24 would be willing to convict?

25 THE COURT: Let me say this. If

1 any -- if you're selected for the jury, the Court
2 is going to charge you on reasonable doubt. And I
3 think that's what Mr. Bailey is going to get into.
4 But there will be certain standards, and that will
5 be explained to you, the burden of proof. Go
6 ahead.

7 MR. BAILEY: Is there anyone that
8 would have to be convinced a hundred percent sure
9 that a defendant committed a crime before you would
10 convict?

11 (No response.)

12 MR. BAILEY: Anybody? And it's all
13 right if you feel that way. Mr. Hartley and I just
14 need to know the answers. Does everyone, then,
15 realize that the standard of proof in this criminal
16 case and every other criminal case that's ever been
17 tried in this country is beyond a reasonable doubt?
18 It's not beyond all doubt, but beyond a reasonable
19 doubt. And the Judge, as she just stated, is going
20 to instruct you on that at the end of this case.

21 But in order for someone to be a hundred
22 percent sure that someone committed a crime, you
23 would have had to have been a witness of the crime
24 and, therefore, that would disqualify you as
25 serving as a juror. Does everyone understand that?

1 (No response.)

2 MR. BAILEY: Is there anyone in this
3 venire, this group, that has a problem of sitting
4 in judgment of another person, whether it be for
5 religious reasons or any other type reason? Do you
6 have a problem judging another person on acts that
7 they may have committed?

8 (No response.)

9 MR. BAILEY: I know some of you may
10 have mentioned that in your questionnaire. Yes,
11 sir?

12 PROSPECTIVE JUROR: I don't really
13 like to judge people myself, but it all depends on
14 the situation.

15 THE COURT: Can you stand up? She
16 has to take everything down -- and are you
17 Mrs. Manuel.

18 PROSPECTIVE JUROR: I don't really
19 like to judge nobody, but it depends on the
20 situation.

21 THE COURT: Well, let me ask this.
22 As a juror, if you're selected, you'll be sworn in
23 to do your duty. Could you put aside briefly, for
24 these purposes, your personal opinions and be able
25 to sit on this jury?

1 PROSPECTIVE JUROR: Yeah.

2 THE COURT: Okay. Go ahead.

3 MR. BAILEY: Is there anyone else
4 that feels that way, feels that you would have a
5 problem of sitting in judgment of another person?
6 If you're selected as a juror, that's what you
7 would be asked to do. Anyone else?

8 (No response.)

9 MR. BAILEY: Do any of you have any
10 type of personal beliefs? And, again, this can be
11 personal beliefs or religious beliefs, or any other
12 beliefs that would prevent you from finding the
13 defendant guilty in a criminal case if you were
14 convinced beyond a reasonable doubt. Anybody have
15 any type of beliefs that would prevent you from
16 doing that?

17 (No response.)

18 MR. BAILEY: Okay. Is there anyone
19 here in this group that has negative feelings about
20 the Montgomery Police Department, got a speeding
21 ticket you didn't think you deserved or just don't
22 like police officers --

23 THE COURT: Don't ask that or for
24 some other reason.

25 MR. BAILEY: Is there anyone here

1 that has negative feelings about the Montgomery
2 Police Department or any other law enforcement
3 department for that matter?

4 (No response.)

5 MR. BAILEY: No one has any negative
6 feelings about the police department? Okay.

7 Anyone here that have any negative feelings --
8 and the reason I'm asking this -- I noticed a lot
9 of you put on your questionnaires that you were
10 victims of crimes. Is there anyone that has any
11 negative feelings or negative dealings with the
12 district attorney's office, with Ellen Brooks or
13 any previous district attorney's office?

14 (No response.)

15 MR. BAILEY: Do -- and I know that
16 quite of few of you are going to answer in the
17 affirmative to this question. But do any of you
18 regularly watch court television or any other shows
19 which commonly depict court situations? And that's
20 not only court TV, but Judge Judy and other things
21 of that nature.

22 (Jurors raise hands.)

23 MR. BAILEY: Probably quite a few of
24 you watch that. Those that have answered that you
25 do watch that, do you understand that the laws that

1 are depicted on those TV shows may not be the same
2 law as it is here in Alabama? And some of those,
3 like in Law and Order and shows like that, may not
4 be the law anywhere. Does everyone understand
5 that?

6 (Jurors nod.)

7 MR. BAILEY: Judge, I believe that's
8 all the questions I have at this time.

9 THE COURT: Mr. Hartley?

10 MR. HARTLEY: Thank you, Judge.

11 I guess one of the most common criticisms of
12 lawyers is that they repeat things, and I'm fixing
13 to start off by repeating something that y'all
14 heard just a minute ago, but it won't take but one
15 question. And when Judge Greenhaw was asking y'all
16 general questions, I want to reiterate that point
17 that she made at the very last about whether or not
18 anyone in this panel, you know, or someone you're
19 related to was a victim of possible stalking. And
20 I want y'all to remember that. It will be a matter
21 that can be brought up in a one-by-one basis after
22 we adjourn back to the jury assembly room. But I
23 want y'all to think broadly about that because the
24 stalking area of law is one of those things that
25 kind of has some vague orders on it. So if you

1 believe that even in the broadened sense that you
2 might have had some connection with an issue
3 involving stalking in your life, and it might be
4 relevant to this case, I sure would like to ask you
5 to stay and tell us about it so we can weigh it in
6 how it might affect you being a potential juror. I
7 think y'all heard the Judge do it -- ask you the
8 question, and she did an excellent job, but she
9 made it sort of compound. And I want to ask
10 anybody that may have had that type of thing in
11 their life to please stay with us and let us find
12 out about it. That's the only thing I wanted to
13 repeat. Thank you.

14 THE COURT: Okay. Let me see the
15 attorneys for just a minute.

16 I know, Mr. Ogwynn, we're going to need to
17 talk with you. And, I think, Ms. Lee, you also
18 raised your hand. And if anyone else is going to
19 need to stay in here, you can also.

20 Is there anyone y'all need to talk to?

21 MR. BAILEY: Other than those you
22 have, no, ma'am.

23 THE COURT: At this time, I'm going
24 to let all of you, except the two I called -- and
25 if there's anyone else that for some reason you

1 want to talk with us in private about a matter, if
2 you'll stay in here as well.

3 The rest of you, I'm going to let go. It will
4 probably be about thirty minutes, and we'll try to
5 let you know who's going to be on this jury. We'll
6 keep you posted. You can go back to the jury
7 assembly room.

8 (Out of the presence of the jury.)

9 (In the presence of Mr. Edward
10 Ogwynn.)

11 THE COURT: Mr. Ogwynn, you
12 indicated that Mr. Minnifield worked for your firm?

13 PROSPECTIVE JUROR: Uh-huh.

14 THE COURT: So do you know something
15 or have you heard something about the case or --

16 PROSPECTIVE JUROR: Uh-huh.

17 THE COURT: -- maybe the entire
18 situation?

19 PROSPECTIVE JUROR: I have.

20 THE COURT: And that may pose a
21 problem because you do have some -- whether it's
22 correct or incorrect -- some information about it,
23 and I'm sure it might have been discussed even at
24 the office at times?

25 PROSPECTIVE JUROR: It has.

1 THE COURT: And I don't know that
2 you would be able to serve on this jury. Do you
3 want --

4 MR. BAILEY: We would make a motion
5 to --

6 MR. HARTLEY: Judge, I would like to
7 ask him some questions before the Court rules on
8 that motion.

9 Mr. Ogwynn, would you be able to set aside
10 whatever you've heard and act as a fair and
11 impartial juror and decide the case only on what
12 was presented in the courtroom? Would that be
13 possible for you to do that?

14 PROSPECTIVE JUROR: Well, I've known
15 John Minnifield for three years and, you know, I
16 think I could do that, but him being a friend of
17 mine, I'm not comfortable.

18 MR. HARTLEY: Okay. So it's more
19 than you've just seen him. You actually feel like
20 you have a relationship?

21 PROSPECTIVE JUROR: Well, he worked
22 for us for three years.

23 MR. HARTLEY: Judge, I --

24 THE COURT: And we understand it
25 would be a difficult. And I'm going to go ahead

1 and excuse you. If you would ask Mr. Merrill what
2 you need to do.

3 PROSPECTIVE JUROR: Okay. Thank
4 you.

5 (Mr. Edward Ogwynn excused.)

6 (In the presence of Ms. Lee Peters.)

7 THE COURT: Okay. Ms. Peters, what
8 did you need to bring to our attention?

9 PROSPECTIVE JUROR: I was stalked
10 one time, and I had to go to a lawyer to get it
11 stopped, but that's been a long time ago.

12 THE COURT: How long ago was it?

13 PROSPECTIVE JUROR: Say, eighteen
14 years.

15 THE COURT: Was it someone you knew
16 personally or --

17 PROSPECTIVE JUROR: My ex-husband.

18 THE COURT: Your ex-husband?

19 PROSPECTIVE JUROR: Uh-huh.

20 THE COURT: And did it go to court?

21 PROSPECTIVE JUROR: No. We -- he
22 settled it -- my lawyer settled it.

23 THE COURT: So you never filed
24 charges against him?

25 PROSPECTIVE JUROR: No, huh-uh. I

1 went and talked to my lawyer, and he said, Let me
2 talk to him and see if we can keep it out of court.
3 It had been going on for three or four or five
4 years, I reckon. Everywhere I go, he would follow
5 me and make a scene. And I get home, and he would
6 be sitting on the doorsteps making a scene. You
7 know, just harassment --

8 THE COURT: You know, that
9 evidentially occurred over a number of years. Can
10 you put that out of your mind and give the
11 defendant here just as fair a trial as you would
12 the State?

13 PROSPECTIVE JUROR: Yeah, because
14 there are two sides.

15 MR. HARTLEY: May I ask?

16 THE COURT: Do you have any
17 questions?

18 MR. BAILEY: I don't have any
19 questions.

20 MR. HARTLEY: Let me ask, suppose
21 the evidence in this case after a lot of evidence
22 came down to a very, very close call on the issue
23 of his guilt or innocence on the issue of stalking.
24 Do you think that your experience might make you
25 prone to possibly lean more toward the side of the

1 State or the victim because you, yourself, were a
2 victim?

3 PROSPECTIVE JUROR: No.

4 MR. HARTLEY: Are you absolutely
5 certain?

6 PROSPECTIVE JUROR: Uh-huh.

7 MR. HARTLEY: Okay.

8 PROSPECTIVE JUROR: I mean, either
9 you do or you don't. Right is right and wrong is
10 wrong. If it's right, I'm for it. If it's wrong,
11 then I'm against it.

12 MR. HARTLEY: Yes, ma'am. But would
13 your experiences possibly make you lean --

14 PROSPECTIVE JUROR: No.

15 MR. HARTLEY: -- because you were
16 the victim yourself of stalking as you believe it
17 to be?

18 PROSPECTIVE JUROR: No. It's like a
19 bad dream. With time you push it out of your mind.

20 THE COURT: But it wouldn't have any
21 impact --

22 PROSPECTIVE JUROR: No, ma'am.

23 MR. HARTLEY: And also, your
24 association with Ms. Brooks' aunt would not have
25 any effect --

1 PROSPECTIVE JUROR: I don't even
2 know her or her daddy or mother. I know who they
3 are.

4 MR. HARTLEY: Yes, ma'am.

5 PROSPECTIVE JUROR: And that's all.

6 THE COURT: Thank you for letting us
7 know. If you'll go back to the jury assembly room.

8 (Out of the presence of Ms. Peters.)

9 MR. HARTLEY: Judge, just for the
10 record, I would like to object on that last case
11 because of what she said and the fact --

12 THE COURT: Well, I'm going to take
13 that up --

14 (In the presence of Ms. Dorothy
15 Lee.)

16 THE COURT: Ms. Lee, you raised your
17 hand and indicated you needed to bring something to
18 our attention, and we needed to know.

19 PROSPECTIVE JUROR: Okay. When you
20 asked about stalking, I've had a sister in that
21 case.

22 THE COURT: And when did that occur?

23 PROSPECTIVE JUROR: That has
24 occurred recent within the last year.

25 THE COURT: Does it involve someone

1 she knows or a stranger or --

2 PROSPECTIVE JUROR: Her husband.

3 THE COURT: Her husband?

4 PROSPECTIVE JUROR: (Prospective
5 juror nods.)

6 THE COURT: Are they still married?

7 PROSPECTIVE JUROR: No. They're
8 divorced.

9 THE COURT: Has she -- has it gone
10 to court over any --

11 PROSPECTIVE JUROR: Yeah, they have
12 gone to court.

13 THE COURT: You said they were
14 divorced. Was this something that was addressed in
15 the divorce matter or did she bring separate
16 charges?

17 PROSPECTIVE JUROR: Well, it was
18 separate charges because they was divorced when it
19 happened.

20 THE COURT: Okay. Would that have
21 any impact on you sitting on this jury? And I
22 really want to know can you give Mr. Minnifield a
23 fair trial with what has happened with your sister?

24 PROSPECTIVE JUROR: Yes, I can.

25 THE COURT: So you can put that out

1 of your way and it wouldn't have any impact on this
2 case?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Mr. Bailey?

5 MR. BAILEY: No questions.

6 MR. HARTLEY: I would just like to
7 ask you, suppose after hearing all the testimony,
8 it seemed to be a very, very close call on
9 Mr. Minnifield as to being guilty or not guilty.
10 Do you think that your experience that you went
11 through -- that was actually your sister's
12 experience -- could have any possible bearing on
13 you maybe being more likely to find him guilty than
14 not guilty?

15 MR. HARTLEY: No.

16 MR. HARTLEY: And you're absolutely
17 certain on that?

18 PROSPECTIVE JUROR: I'm certain.

19 MR. HARTLEY: Okay.

20 THE COURT: Thank you, ma'am. You
21 can go back to the jury assembly room.

22 (Out of the presence of Ms. Dorothy
23 Lee.)

24 THE COURT: For the record, I struck
25 Mr. Ogwynn. Did you have any motions about the

1 other two jurors?

2 THE LAW CLERK: Judge, we have one
3 more.

4 THE COURT: Oh, we do? Okay.

5 MR. HARTLEY: Yeah, I was going to
6 move to exclude Ms. Lee Peters.

7 (In the presence of Ms. Catherine
8 Ortega.)

9 THE COURT: And you're Ms. Ortega?

10 PROSPECTIVE JUROR: Uh-huh.

11 THE COURT: What did you need to
12 bring to our attention?

13 PROSPECTIVE JUROR: I have two
14 boyfriends in the past that wouldn't let go, so I
15 didn't -- I don't think it would make me impartial,
16 but --

17 THE COURT: Well, did you file any
18 charges against either one of them?

19 PROSPECTIVE JUROR: No.

20 THE COURT: How long ago was that?

21 PROSPECTIVE JUROR: 1992.

22 THE COURT: You said both --

23 PROSPECTIVE JUROR: One was in '92
24 and one was in '86.

25 THE COURT: So it's been some time

1 ago?

2 PROSPECTIVE JUROR: Yeah, some time.

3 THE COURT: And you didn't bring any
4 type charges?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Whatever occurred to
7 you, could you put that aside and --

8 PROSPECTIVE JUROR: Yeah. I don't
9 think it would make me impartial, but I just --

10 THE COURT: Okay. In other words,
11 are you telling the Court you can give
12 Mr. Minnifield just a fair trial as you can the
13 State?

14 PROSPECTIVE JUROR: Uh-huh.

15 THE COURT: Mr. Bailey?

16 MR. BAILEY: No questions.

17 MR. HARTLEY: I would like to ask
18 the same question and I usually phrase it like
19 this. Suppose the evidence came down very close,
20 the evidence almost equal on both sides as to
21 whether he was guilty or not. Could your
22 experience possibly make you lean toward the
23 State's side because you, yourself, have an
24 experience similar to what the State would have
25 had?

1 PROSPECTIVE JUROR: I don't think
2 so.

3 MR. HARTLEY: You say you don't
4 think so. What if you got in there and it did have
5 an effect? We've got to know before you go to the
6 jury room.

7 PROSPECTIVE JUROR: I think I could
8 be fair.

9 MR. HARTLEY: But if you say you
10 think you could, that means there's some
11 possibility that you might not be fair.

12 PROSPECTIVE JUROR: No. I would be
13 fair.

14 MR. HARTLEY: You're absolutely
15 certain?

16 PROSPECTIVE JUROR: Uh-huh.

17 MR. HARTLEY: We want to be sure we
18 get the clearest answer we can, and I thank you.

19 THE COURT: If you would go back to
20 the jury assembly room.

21 (Out of the presence of Ms. Ortega.)

22 THE COURT: Okay. Mr. Hartley, do
23 you have some motions?

24 MR. HARTLEY: Judge, I would make a
25 motion to excuse for cause Juror No. 255, that

1 lady, Ms. Catherine Ortega, and also Ms. Lee
2 Peters, I believe, was the other one. I think
3 you've already ruled on that, though.

4 THE COURT: Well, they both said, as
5 well as Ms. Lee, that whatever had happened to
6 them -- or Ms. Lee, her sister, would have no
7 impact, and that they could make a fair decision.
8 And I'm not going -- don't think that's challenge
9 for cause, and I'm going to deny your motion.

10 How many strikes?

11 THE CLERK: We have an odd number.

12 THE COURT: I'll -- this number from
13 the bottom.

14 THE CLERK: Okay.

15 THE COURT: No. 5. It looks like
16 that's Donald Porter.

17 THE CLERK: Okay. It would be nine
18 strikes apiece.

19 THE COURT: And I think we need an
20 alternate.

21 MR. BAILEY: I would ask for one.

22 THE COURT: How long is this case
23 going to take? Y'all had all those witnesses.

24 MR. BAILEY: I would anticipate
25 it -- I know taking today.

1 THE COURT: Okay. We'll just get
2 one alternate. I think we'll be okay. I'll give
3 y'all a moment.

4 MR. HARTLEY: You said nine strikes
5 apiece?

6 THE CLERK: Nine apiece.

7 (Brief recess.)

8 THE COURT: I'll certainly let him
9 do that, but he needs to know he's got to follow
10 the same procedures and rules as everyone else. Go
11 ahead. Who is your first strike?

12 (Started striking jurors.)

13 THE COURT: You know, he accepted
14 you as appointed counsel, and I don't -- if you
15 aren't going to participate in the trial, then I
16 need to know.

17 MR. HARTLEY: Your Honor, I was
18 expecting -- I'm not trying to withdraw. I just
19 think he has filed some handwritten motions asking
20 to be allowed to act as his own counsel, but not --

21 THE COURT: Well, there's a
22 difference in acting as his own counsel and having
23 you still as his retained counsel. You can't have
24 it both ways. If he wants to represent himself,
25 then I need to treat that differently than if you

1 continue as appointed counsel. Let's get through
2 with the striking, and then I'll address it.

3 MR. HARTLEY: Thank you, Judge.

4 (Finish striking the jurors.)

5 THE CLERK: I'll read the remaining
6 numbers. 197, 200, 206, 207, 211, 215, 217, 221,
7 227, 233, 265, 267, and 268.

8 MR. BAILEY: Which one was the
9 alternate?

10 THE CLERK: 217.

11 MR. HARTLEY: I thought 287 was the
12 alternate.

13 THE COURT: 217.

14 THE CLERK: 217 was the last struck.

15 THE COURT: I've looked through this
16 file, and I don't see him filing anything about
17 representing himself.

18 THE DEFENDANT: I filed it --

19 THE COURT: When did you file it?

20 THE DEFENDANT: It was back in June.

21 THE COURT: The only motion I see is
22 a writ of mandamus. But it does not appear to ask
23 that you represent yourself in a trial and that you
24 want to waive your attorney.

25 THE DEFENDANT: Well, I had filed

1 that in with the circuit clerk.

2 THE COURT: Well, they don't have
3 it, and they have everything in here that's been
4 filed to date.

5 Go ahead and get the jury, and then we'll take
6 that up.

7 (In the presence of the jury.)

8 THE COURT: If you'll go to one of
9 the end of the rows and remain standing, she's
10 going to swear you in.

11 THE CLERK: Would you raise your
12 right hand, please?

13 (Jurors sworn.)

14 THE COURT: Okay. You can be
15 seated. Before we start the trial, I'm going to
16 briefly explain to you the procedures and the
17 duties of the Court and the duties of the jury.
18 First of all, as trial judge, it's my duty to
19 instruct the orderly conduct of the trial, to rule
20 on questions of law as they may arise from time to
21 time, and at the end of the case, instruct you on
22 the law that applies.

23 Now, you, as the jury, you're the sole and
24 exclusive judges of the evidence. It's your duty
25 to listen to the evidence and from it determine the

1 true facts, and then apply the law of the case as
2 given to you by the Court to the facts as you find
3 them to arrive at your verdict.

4 Now, the procedure that we'll be following is,
5 first of all, counsel for the State will make an
6 opening statement, and then defense will respond.
7 Each side, at this time, is confined to a statement
8 of what they expect the evidence to show. Now,
9 these statements, they are not evidence. They're
10 simply given to familiarize you with the case.

11 Following opening statements, then evidence
12 will be presented by witnesses and there may also
13 be some exhibits. During the course of the trial,
14 there will be objections. That's what the
15 attorneys or the parties are supposed to do. And
16 it's up to the Court to rule on those objections.
17 But you should not concern yourself with any of the
18 reasons for my rulings, as they're controlled and
19 required by law. You're also not to speculate as
20 to any possible answers to questions which are not
21 required to be answered. In addition, the
22 overruling of any objection is not intended to
23 indicate the weight to be given such evidence.

24 Following the close of the evidence, then the
25 attorneys will address you again and make closing

1 arguments. And at that time, they will discuss the
2 evidence that's been presented and all reasonable
3 inferences to help guide you to your verdict.

4 Now, we'll be taking breaks during the course
5 of the trial. And it may depend on where we are
6 with a particular witness, but if you do need to
7 take a break, if you'll raise your hand, I'll try
8 to be watching and we can do so.

9 I think I've introduced you to everyone
10 involved in the trial except Meridith Newman, as
11 our court reporter. She's taking everything down.
12 And you've already met Ms. Cook. And we also have
13 Deputy Harris with us.

14 I want to caution you at this time not to
15 discuss the case with anyone. That includes a
16 fellow juror. In fact, you're not even to consider
17 the matter until you've heard all of the evidence.
18 You're also not to make any investigations on your
19 own, such as go to a scene or consult any legal
20 periodicals.

21 Finally, if the Court, parties, witnesses, the
22 attorneys, if we don't talk to you during the
23 course of the trial, don't think we're being
24 unfriendly. But it would just be improper to have
25 any contact with you until this matter is

1 concluded.

2 And I apologize for my voice. It sort of goes
3 and comes. As I said, it's just this time of the
4 year. We're going to take an early break today
5 because there are a number of things we need to
6 take up outside the presence of the jury. And
7 hopefully, when you come back, we'll be able to
8 start promptly and go more quickly. But I'm going
9 to give you a long break until one o'clock. And at
10 that time, if you'll report to the jury assembly
11 room, we'll get you at one o'clock. Thank you.

12 (Out of the presence of the jury.)

13 THE COURT: Now, Mr. Minnifield, I
14 need to know whether you're requesting at this time
15 to represent yourself or do you want your
16 court-appointed attorney?

17 THE DEFENDANT: I would like to
18 represent myself.

19 THE COURT: Mr. Minnifield, before I
20 let you do that, I need to ask you a number of
21 things.

22 And has he discussed this possibility with
23 you, Mr. Hartley? I know you've been involved with
24 this case for some time. And, for the record --
25 and I think you've been very instrumental and

1 helpful in looking at alternatives and over the
2 course of it, different ways of resolving this
3 matter, including this morning. But, evidently, he
4 has mentioned to you that he wanted to represent
5 himself?

6 MR. HARTLEY: Yes, Your Honor. In
7 the course of my contact with Mr. Minnifield over a
8 long period of time, I do recollect that he
9 indicated that he wanted to do some parts of the
10 questioning of witnesses and to present --

11 THE COURT: Well, he can't just do
12 some parts, you know. You can't pick and choose
13 which questions you're going to ask a witness.
14 Even if you have two attorneys, only one gets a
15 witness.

16 MR. HARTLEY: Oh, I meant that,
17 Judge. He understood that he would have to carry
18 any particular witness all the way through, and
19 there would be no ability for us to swap back and
20 forth like that. I think that he wants to conduct
21 the examination possibly of the State's principal
22 witness, Ms. Vonciel Minnifield.

23 THE COURT: Well, let me hear from
24 you, Mr. Minnifield. Do you want to represent
25 yourself in this case?

1 THE DEFENDANT: I do prefer to
2 represent myself entirely, and I'm qualified.

3 THE COURT: Well, I'm going to ask
4 you some questions. And, first of all, do you
5 understand that you're charged with stalking and
6 what the elements of that offense are?

7 THE DEFENDANT: Sure.

8 THE COURT: Now, you have a right to
9 represent yourself, but you also have a right to
10 have an attorney. And I have previously appointed
11 Mr. Hartley, and he's been very involved in the
12 case and as an attorney. And the Court has had the
13 opportunity to have Mr. Hartley in the court for a
14 number of years, and I know that he has skills and
15 experiences that you do not. Why do you want to
16 represent yourself?

17 PROSPECTIVE JUROR: I want to
18 represent myself due to the fact that in the past,
19 there have been some dealing and understanding that
20 I didn't go along with between Mr. Hartley and the
21 State.

22 THE COURT: Give me an example.

23 THE DEFENDANT: For instance, like,
24 I got locked up November '98, and my bail was set
25 at hundred thousand dollars. I go for a bail

1 hearing and Judge Bright set my bail -- reduced my
2 bail of forty thousand dollars.

3 THE COURT: Well, that was before
4 Judge Bright and would have been involved before
5 Mr. Hartley got in the case. And I do --

6 THE DEFENDANT: That was right.

7 THE COURT: -- know that you made an
8 oral notice to reduce the bond. And there does
9 seem to -- there has been one motion filed, but
10 that was in December by -- that's not in the file,
11 by Mr. Minnifield, and I'll look it over in just a
12 moment.

13 THE DEFENDANT: It was December '98
14 when the bail was reduced to forty thousand
15 dollars, but --

16 THE COURT: Mr. Minnifield, what
17 occurred before Judge Bright does not concern
18 Mr. Hartley or this Court. Were you involved --

19 MR. HARTLEY: Yes.

20 THE DEFENDANT: Yes, he was.

21 THE COURT: You were?

22 MR. HARTLEY: Yes, Judge. I don't
23 have a real complete recall, but I was involved
24 because -- I forget why we had to have Judge
25 Bright's involvement in it. But it seemed to me

1 that she did agree to a reduction of forty
2 thousand. And there was some delay, Judge, in
3 getting, I think, it possibly recorded in the jail.
4 There may have been something, and I think
5 Mr. Minnifield was disturbed about that.

6 THE COURT: Now, Mr. Minnifield,
7 what is your age?

8 THE DEFENDANT: Sixty.

9 THE COURT: And could you briefly
10 give -- set out your work experience?

11 THE DEFENDANT: Yes. My work
12 experience was the last job I had was contractor,
13 construction, heavy equipment operator, and
14 etcetera.

15 THE COURT: And what other types of
16 work have you done?

17 PROSPECTIVE JUROR: I have been a
18 currier, and I've been chief maintenance man at
19 Wilson and Price. I've been a truck driver.

20 THE COURT: Have you ever been
21 treated for any mental disease or mental health?

22 THE DEFENDANT: No, I haven't. I
23 went and -- when --

24 THE COURT: And the Court is aware
25 that I did -- when you were out on bond, the EVEN

1 program, but other than that?

2 THE DEFENDANT: I did go to mental
3 health just to see what I -- what everybody -- what
4 peoples think.

5 THE COURT: And when was that?

6 THE DEFENDANT: That was in
7 August -- September, I believe it was.

8 THE COURT: And that's while you
9 were out on bond?

10 THE DEFENDANT: That's while I was
11 out on bond. And I voluntarily went there.

12 THE COURT: And did you undergo any
13 course of treatment?

14 THE DEFENDANT: I had one session
15 that they gave me a counselor. Then they let me
16 seen a doctor, and I had a thirty-day waiting
17 period before I could go back. But before I could
18 go back, I was locked up two days before I went
19 back.

20 THE COURT: Did they make any
21 diagnosis?

22 THE DEFENDANT: Well, they were
23 going to diagnosis and put me on medication when I
24 went back.

25 THE COURT: Do you know what type --

1 did they discuss any -- are you on any medications
2 now?

3 THE DEFENDANT: No, I'm not.

4 THE COURT: What about any prior
5 felony convictions -- do you have any prior felony
6 convictions?

7 THE DEFENDANT: I have prior
8 convictions goes back during the mid and late '70s.

9 THE COURT: Well, you need to be
10 aware even if they're old cases that they may be
11 used for the purposes of the habitual offender act,
12 and if you are found guilty, there would be an
13 enhance penalty. Therefore, the consequences of
14 conviction, if there is one here, is much greater
15 than as if this had been your first offense.

16 THE DEFENDANT: I understand.

17 THE COURT: And I think this is a
18 Class C felony, so if there have been -- how many
19 prior felony convictions?

20 MR. BAILEY: He has tons.

21 THE COURT: Well, let's just say if
22 you have three or more felony convictions, and if
23 you are found guilty, the minimum sentence is
24 fifteen years and it can go up to life or
25 ninety-nine. Do you understand that?

1 THE DEFENDANT: I understand that.

2 THE COURT: Now, you understand that
3 you would be required to comply with all the rules
4 of procedure and rules of evidence?

5 THE DEFENDANT: Right.

6 THE COURT: And you do have a right
7 to cross-examine the State's witnesses. But if you
8 cross-examine them, you cannot testify at that
9 time.

10 THE DEFENDANT: Right.

11 THE COURT: You have the right to
12 have witnesses also appear on your behalf. Do you
13 understand that?

14 THE DEFENDANT: Right.

15 THE COURT: Now, you have the right
16 to testify, if you choose to. But you also have
17 the right to remain silent; that is, not testify.
18 And that cannot be considered against you. Do you
19 understand that?

20 THE DEFENDANT: I understand.

21 THE COURT: But if you do choose to
22 testify, then the State has a right to
23 cross-examine you and may also ask you about prior
24 convictions.

25 THE DEFENDANT: Right.

1 THE COURT: And do you still want to
2 represent yourself?

3 THE DEFENDANT: Sure.

4 THE COURT: Mr. Hartley, I'm going
5 to still have you available during the trial, and
6 you can sit there at counsel table.

7 Mr. Hartley may offer suggestions during the
8 course of the trial.

9 And, Mr. Hartley, you might -- at the
10 appropriate time, if you make any suggestions and
11 Mr. Minnifield does not take your advice, at some
12 point you may want to put that on the record.

13 So I'm going to ask you again. Do you still
14 want to represent yourself?

15 THE DEFENDANT: Sure.

16 MR. HARTLEY: Your Honor, may I put
17 this on the record?

18 THE COURT: Yes.

19 MR. HARTLEY: I certainly want to be
20 as much of assistance as I can. I'm not in the
21 business of abandoning my clients. I sure like to
22 be right here and help him as much as I can
23 throughout the trial and throughout breaks. I have
24 had access to the file, and he's had access to the
25 file also for considerable periods of time. To

1 help him with documents, I want to be as much
2 assistance as I can possibly be.

3 THE COURT: Well, at this time, I'm
4 going to find Mr. Minnifield -- let me say one
5 other thing, Mr. Minnifield. I am aware that some
6 time ago you had a city appeal where you
7 represented yourself; is that correct?

8 THE DEFENDANT: Sure.

9 THE COURT: And I do recall that it
10 was a verdict in your favor. But this is a much
11 more serious matter, and I'm not sure that the City
12 attorney was as prepared as Mr. Bailey would be and
13 certainly nothing came up about any prior
14 convictions during the course of that. And I think
15 some of the witnesses that might have wanted to be
16 called by the City, your family, did not want to
17 testify. You have a different situation here, so
18 don't think just because you did it once, you
19 understand that it may not be the same result?

20 THE DEFENDANT: I understand.

21 THE COURT: Well, I'm going to
22 explain to the jury that you're representing
23 yourself and that you do have the right to do so,
24 and that Mr. Hartley will be sitting at counsel
25 table and be available for any advice or

1 suggestions you may want to ask.

2 And, as you know, it's the Court's duty to
3 ensure the orderly conduct of the trial. And I
4 don't expect any problem, but if something does
5 develop, I will certainly have to take that up at
6 the appropriate time. So I guess we'll recess
7 unless there's anything else anyone wants to say?

8 If we could have him back here by a quarter
9 till one. Do we need to call the jail? In case
10 there's anything else we need to put on the record?

11 THE BAILIFF: I'll just tell them to
12 keep him on the first floor.

13 THE COURT: And if there's anything
14 else we need to bring up, we can.

15 Mr. Bailey, is there anything you want to put
16 on the record?

17 MR. BAILEY: I don't believe so,
18 Your Honor.

19 (Out of the presence of the
20 defendant.)

21 (Witnesses line up in front of the
22 Judge.)

23 THE COURT: I know that all of you
24 had rather be somewhere other than here, but you're
25 required to be here. You've been subpoenaed. And

1 we're slower getting started than we normally are.
2 And you are under subpoena, and everyone needs to
3 be back here at one o'clock. Do you understand
4 that?

5 THE WITNESS: I've got a question.
6 I've got -- my husband is -- I'm here by myself.
7 I've got three kids.

8 THE COURT: Wait just a minute.
9 What's your name?

10 THE WITNESS: I'm Clemmitha. I'm a
11 witness. And my child -- I've got a child in
12 school. My sister has to be at work, and I have
13 nobody else to babysit.

14 THE COURT: Well, maybe you could
15 take her first.

16 MR. BAILEY: Okay. Clemmitha.

17 MR. HARTLEY: Who were you?

18 THE WITNESS: Clemmitha,
19 C-l-e-m-m-i-t-h-a.

20 MR. HARTLEY: Can the other
21 witnesses just identify themselves just so I'll
22 know who they are?

23 THE WITNESS: I'm Rosebud Brown.

24 THE WITNESS: Pete Rose. Also, I'm
25 a store manager. I have to get to my store, if I

1 could go second or something?

2 THE COURT: You've got an hour and a
3 half, and we'll try to accommodate everyone.

4 THE WITNESS: Lawanda Benson.

5 (Witnesses excused.)

6 (In the presence of the jury.)

7 THE COURT: In just a moment, you'll
8 hear opening statements. After the break this
9 morning, Mr. Minnifield advised the Court that he
10 wanted to represent himself. I appointed
11 Mr. Hartley to represent him, but Mr. Minnifield
12 has the right to represent himself and waive an
13 attorney, and he has done so. So he will be
14 representing himself. But I have asked Mr. Hartley
15 to remain in in the event Mr. Minnifield needs to
16 consult with him or that Mr. Hartley may have some
17 suggestions.

18 Mr. Bailey, are you ready at this time?

19 MR. BAILEY: Yes, Your Honor. May
20 it please the Court, counsel?

21 Control. Ladies and gentlemen, that's why
22 we're here today. That's why you're sitting here
23 today is because of control, because of a man's
24 desire to get control and undue desire to get
25 control. And what happened when he failed to do

1 so? That's what this case is all about. That's
2 what generally stalking is all about. And I expect
3 that during the course of this trial, you're going
4 to hear about the control that this man perpetrated
5 on this woman.

6 Vonciel Minnifield is here today, and she's
7 going to tell you about the events that happened
8 over a pretty long course of time, which makes up
9 the elements of the stalking case that's brought to
10 you today. She's going to tell you that her and
11 Mr. Minnifield were married about approximately
12 October of 1994, and they stayed married, and are
13 still currently married. She's filed for a
14 divorce -- but they stayed together for
15 approximately a little over three years, almost
16 four years. And she's going to tell you about that
17 when they first met, everything was lovely, as it
18 is in most normal relationships. She had no idea
19 that the man that she was about to marry, would
20 marry, was going to turn out the way he did. No
21 clue.

22 She'll tell you that everything rocked along
23 pretty good in their marriage, and then little by
24 little, they started having problems. She started
25 noticing his want to control her, to know where she

1 was at all times. She'll tell you that he began to
2 become verbally abusive to her, to intimidate her.
3 She'll tell you what happened one day when her and
4 her kids had gone somewhere. It was a stormy
5 day -- stormy night --

6 THE COURT: Mr. Bailey, wait just a
7 minute. Are you a witness in this matter?

8 MR. BAILEY: She's with our office,
9 Judge.

10 THE COURT: Okay.

11 MR. BAILEY: -- stormy night, and
12 she and the kids came home to their marital home
13 and found that all the doors in the house, the
14 locks had been changed. They had nowhere to go.
15 They couldn't get him to let them in, so her and
16 the kids decided to go find another place to live.

17 And it was at that time that Vonciel decided
18 that their marriage couldn't be saved, that she
19 wasn't going to stay in the marriage that she was
20 in. And she decided finally to do something about
21 it, Vonciel thinking that finally maybe this is the
22 break that she needed to get her life back on
23 track, to get away from all this control and all
24 this intimidation and all this harassment. But
25 little did she know that was only the beginning,

1 only the beginning of her nightmare.

2 Now, during the course of my career of
3 prosecutor, I don't find very much the victims are
4 ever really happy to come into court, really feel
5 good about coming into court. But I know I can say
6 this about Vonciel -- and I'm not saying that she
7 enjoys this process -- but for the Grace of God,
8 ladies and gentlemen, I would be standing up before
9 you right now, and this table would be empty and I
10 would be telling you about murder in the first
11 degree, but for the Grace of God.

12 Ladies and gentlemen, what happened after
13 Vonciel and her children left the marital home?
14 The defendant began to call her on the telephone.

15 THE DEFENDANT: Object.

16 THE COURT: I'm going to overrule
17 your objection if this is what --

18 MR. BAILEY: The evidence will
19 show --

20 THE COURT: -- you expect the
21 evidence to show.

22 MR. BAILEY: The evidence will show
23 in this case that the defendant began to call her
24 on the telephone, harassing, threatening her life.
25 The defendant would show up her at workplace --

1 THE DEFENDANT: I'm objecting on
2 that.

3 THE COURT: I'm overruling. He has
4 a right to tell the jury what he expects the
5 evidence to show. And you will be able to tell the
6 jury what you expect the evidence to show.

7 Go ahead.

8 MR. BAILEY: The defendant would
9 show up at her workplace telling her co-workers
10 quite frankly that she better watch out, that he
11 was going to get her.

12 He would show up at her babysitter's house.
13 He even showed up at one of her babysitter's house
14 with a gun. We expect Lawanda Benson to come in --

15 THE DEFENDANT: Object.

16 MR. BAILEY: -- and testify --

17 THE DEFENDANT: Object.

18 THE COURT: Mr. Minnifield, he has a
19 right to tell the jury what he expects the evidence
20 to show.

21 Go ahead.

22 MR. BAILEY: I expect Lawanda Benson
23 to come in and tell you what happened one night.
24 Mr. Minnifield showed up wanting to know where
25 Vonciel was. He told Lawanda Benson what he was

1 going to do to Vonciel, and you can hear that for
2 yourself when she testifies. He showed her a gun.
3 He's come to her church on multiple times harassing
4 her, trying to find her, threatening her. He's
5 contacted her friends and her family on numerous
6 occasions.

7 We also expect the evidence to show that
8 during the course of these events that were being
9 perpetrated upon Vonciel, she filed several charges
10 against Mr. Minnifield down at the municipal
11 court -- charges such as harassment, reckless
12 endangerment for running her off the road at one
13 time.

14 And we expect the evidence to show, and
15 Ms. Minnifield will tell you, that the defendant
16 was found guilty down at the city court on those
17 charges. The stalking case that's brought to you
18 today is done through a course of conduct.

19 Stalking is a law which encompasses a course
20 of conduct. It's not just one incident as you
21 would have in any other case, such as a robbery, or
22 shoplifting, or a murder. Stalking consists of a
23 whole course of conduct. And that's what you're
24 going to hear today. You're going to hear a whole
25 course of conduct that was perpetrated upon Mrs.

1 Minnifield.

2 Some of this conduct, the defendant has been
3 charged with. Some of it was uncharged.
4 Mrs. Minnifield will tell you at the beginning that
5 she was scared to file charges on him and didn't on
6 most of the things that he had done, but then it
7 got to the point where she had to do something.

8 So some of the events that you will hear of,
9 he's been charged with and some of the events he's
10 been uncharged with. But they all go together into
11 the course of conduct that you will see.

12 This case today is brought to us by the course
13 of an indictment -- by the way of an indictment.
14 The Judge will tell you at the end of the case that
15 the indictment is not to be considered by you as
16 evidence in this case when weighing the defendant's
17 guilt or innocence. It's simply a vehicle by which
18 the case is brought to you today, to let you know,
19 let the defendant know, what he is charged with.

20 At this time, I want to read the indictment
21 that was brought forward by the Montgomery County
22 grand jury in this case. It reads, "The State of
23 Alabama, Montgomery County, Circuit Court of
24 Montgomery County, February term A.D., 1999. The
25 grand jury of said county charged that before the

1 finding of this indictment, John Willie Minnifield,
2 alias, John Willie Minnifailed; alias, Willie
3 Minnifield; alias, John W. Minnifailed; alias, John
4 W. Minnifelt; alias, J. W. Minnifailed; alias, John
5 Minnifield; alias, John Willie Minnifield; alias
6 Willie John Minnifelt, whose name is otherwise
7 unknown to the grand jury, John Willie Minnifield,
8 alias did intentionally and repeatedly follow or
9 harass Vonciel Minnifield and made a credible
10 threat, either expressed or implied, with the
11 intent to place that person in reasonable fear of
12 death or serious bodily harm in violation of
13 Section 13A, 690 of the Code of Alabama against the
14 peace and the dignity of the State of Alabama. And
15 that is signed by Eleanor I. Brooks, District
16 Attorney, for the 15th Judicial Circuit of
17 Alabama."

18 Ladies and gentlemen, I expect that the State
19 will prove to you exactly what is contained within
20 this indictment through the testimony, through
21 exhibits, during the course of this trial.
22 Something that I did read in the indictment that I
23 want you to consider throughout the course of this
24 trial -- and those were some of the last words that
25 I read -- against the peace and the dignity of the

1 State of Alabama. Keep that in your mind, and I
2 will address that at a later time.

3 But ladies and gentlemen, the evidence in this
4 case is going to show that Mr. Minnifield
5 perpetrated a course of conduct which the State of
6 Alabama has labeled stalking on Mrs. Minnifield.
7 And once you have been able to hear all the
8 evidence, see all the evidence that's introduced,
9 based on the evidence, I feel that you will find
10 the defendant, Mr. Minnifield, guilty of the crime
11 stalking. Thank you.

12 THE COURT: Mr. Minnifield, if you
13 want to, at this time, you can tell the jury what
14 you expect the evidence to show.

15 THE DEFENDANT: Thank you.

16 My name is John Minnifield. I wish to explain
17 to you all -- and I'm going to show you the
18 evidence -- that this is not a stalking charge. My
19 wife and I, we did have some disagreement. And
20 that disagreement, I'm going to bring up to show
21 you why this occurred. I'm going to show you my
22 wife was cheating. I'm going to show you that my
23 wife was on drugs, and she's still on drugs. I've
24 got in evidence, I'm going to show you several men
25 that she gave diseases to --

1 MR. BAILEY: Judge, I object.

2 THE DEFENDANT: -- including me.

3 THE COURT: Wait just a moment,
4 Mr. Minnifield. I'm sustaining the objection and
5 disregard the comment about other men. That is not
6 admissible evidence. Go ahead.

7 THE DEFENDANT: The witnesses -- the
8 witnesses that I have here today will tell you that
9 John Minnifield was a loving husband who worked
10 four and five jobs to satisfy his family, that at
11 no time John Minnifield ever put his hand on
12 Vonciel Minnifield. He have never. And any kind
13 of threat, nothing but a loving way. I will pass
14 on down to you, I came from a violent family. I've
15 seen abusive. This was never to happen to me and
16 my family.

17 I never locked her out of the house. I'm
18 going to show you that Vonciel, every day, she was
19 just running, running, running. Come in at twelve
20 and one o'clock at night. I worked too hard. I
21 couldn't stand it. My wife left me. I went and
22 searched for her to bring her back. She did come
23 back, but she couldn't keep -- let the street go.
24 She was constant running out there just every
25 night. There was a 13-year-old and a 14-year-old

1 girl in school. And that, I implied, that they get
2 an education. They cannot get an education staying
3 out twelve and one o'clock at night and coming in
4 with her. I get up in the morning. I go to work
5 four and five o'clock in the morning. She's late
6 for work every day, if she go to work. I want you
7 all to see this pattern. All this evidence is
8 going to unfold here.

9 As far as a weapon concern, John Minnifield
10 has had his hand on a gun in thirty years or
11 better. I have no violent past, and I'm not about
12 to start now. I'm sixty years of age. I loved my
13 family, and I felt though this was the last of the
14 row, but I could not stand drugs and what she was
15 doing no more than she could stand the alcohol that
16 I drank. But she drank. But it's not all right
17 for me to drank. But I didn't have a habit of -- a
18 drug habit, a lying habit. I didn't come in lying
19 to my family. I didn't cheat on my family, and I
20 didn't abuse my family.

21 I'm going to show you all of that as the
22 witness come through here. And if you all find
23 John Minnifield guilty, I want you to look at your
24 spouses when you go home --

25 MR. BAILEY: Judge, I object to

1 that.

2 THE COURT: I'm sustaining the
3 objection. Mr. Minnifield, just what you expect
4 the evidence to show. Anything else?

5 THE DEFENDANT: I'm going to show
6 you this. I just want y'all to sit back and listen
7 to the evidence as it unfolds. And there's no way
8 you could find John Minnifield guilty of stalking.
9 Thank you.

10 THE COURT: Okay. Your first
11 witness?

12 MR. BAILEY: Your Honor, the State
13 would call Clemmitha Petace.

14 CLEMMITHA PETACE

15 The witness, having first been duly sworn or
16 affirmed to speak the truth, the whole truth, and
17 nothing but the truth, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. BAILEY:

20 Q. Good afternoon, ma'am. Could you please
21 tell the ladies and gentlemen of the jury your
22 name?

23 A. Clemmitha Petace, C-l-e-m-m-i-t-h-a,
24 P-e-t-a-c-e.

25 Q. And, Ms. Petace, do you know Vonciel

1 Minnifield and John Minnifield?

2 A. Yes, I do.

3 Q. Okay. And how do you know them?

4 A. Vonciel is my sister, and John is her
5 husband.

6 Q. Now, Ms. Petace, I want to get right to
7 the point and direct your attention to the case at
8 hand -- actually, I want to back up for just a
9 second and direct your attention back to October of
10 1998. During that time frame, did you witness
11 anything that occurred with Mr. Minnifield that you
12 would find unusual?

13 A. Yes. I had -- he had -- at the time --
14 after the incident where I had to bring -- you
15 know, lead y'all into what had happened --

16 Q. Well, just tell me what you know and what
17 you observed and what you heard and saw.

18 A. Okay. What I heard and saw. Okay.

19 THE COURT: Now --

20 Q. From the defendant. I'm sorry.

21 A. After the incident that happened when he
22 came to her house with an ax and knocked down the
23 door. He had come to my house --

24 THE DEFENDANT: Object.

25 Q. Did you have --

1 THE DEFENDANT: Object.

2 THE COURT: Overruled.

3 Q. Did you have an opportunity to see the
4 defendant?

5 A. Yes, I did.

6 Q. Okay. Tell us what happened when --

7 A. Well, I was leaving out that morning, and
8 I got in my car. I was headed to Superlube to get
9 my oil change. And he was coming in and I was
10 going out. I stay in an apartment complex. And he
11 was waving me down. I told him I had to hurry up
12 and get an oil change. So he followed me to
13 Superlube, and he told -- basically told me that he
14 did -- just got out of jail. And he told me, I
15 just went to your sister's house last night, and I
16 had knocked the door. And I chased her around the
17 house with an ax. And he said, I hit your niece,
18 and I'm sorry about that. I didn't mean to do
19 that, but -- and then he's like, well -- he got a
20 little beep on his pager --

21 THE COURT: Let's get a little more
22 question and answer.

23 Q. Okay. Is that all that he told you?

24 A. No. He was -- I couldn't really
25 understand him because he was drunk at the time.

1 He was intoxicated. You could smell the alcohol on
2 his breath, and so I really couldn't understand
3 everything he was saying. But he did -- you know,
4 I did understand about the ax, and he said he did
5 have it in the trunk of his car right now. And he
6 had got a pager -- a page, and he had went to use
7 the phone. And I was still at Superlube. By the
8 time he made it back, I had already left.

9 Q. Okay. Now, let me back up because I'm
10 not sure -- if you would, slow down so everybody
11 can understand you. You said, I believe, he had
12 something in his trunk? He told you that?

13 A. He had an ax in his trunk.

14 Q. Ax?

15 A. He said, I have it right now. He
16 basically told me what happened. And I couldn't --
17 he did tell me more, but I couldn't really
18 understand, so I can't question on that. But he
19 did say that he had, and he did broke in her house
20 and chase and strike one of her daughters in the
21 face, so I can testify --

22 Q. And that was in October of '98?

23 A. '98.

24 MR. BAILEY: Thank you. No further
25 questions from this witness.

1 THE COURT: Do you want to ask her
2 anything?

3 THE DEFENDANT: Yes.

4 CROSS-EXAMINATION

5 BY THE DEFENDANT:

6 Q. Clemmitha, I did come to your house and
7 talk to you. I never told --

8 MR. BAILEY: Judge, I'm going to
9 object to him testifying.

10 THE COURT: You can ask her
11 questions. You cannot testify. Just ask her
12 questions.

13 THE DEFENDANT: Okay.

14 Q. I did come to your house, and I did ask
15 you question, had you seen my wife. I didn't go --

16 THE COURT: Wait just a moment.
17 What is your question? Did she -- he asked you if
18 you had seen his wife?

19 THE DEFENDANT: My wife, right.

20 Q. I only asked her -- did I ask you not,
21 did you see my wife? Have you seen my family?

22 A. I don't remember that. You had asked
23 me -- you had said a lot. Like I said, I couldn't
24 really understand what you were saying because you
25 were intoxicated at the time, so I really can't

1 speak on that. But I know you did follow me to
2 Superlube.

3 Q. And did I follow you to Superlube?

4 A. Yeah. I know you remember that. You did
5 follow me to Superlube, and you sat down beside me.
6 And you was carrying on about how you were sorry,
7 but you did strike one of her daughters in the face
8 and you did break in her house that night, and you
9 had just got out of jail. You did tell me that, so
10 I can speak on that.

11 THE COURT: Okay. You've answered
12 it. Do you have another question?

13 THE DEFENDANT: No.

14 THE COURT: Do you have anything
15 else for her?

16 MR. BAILEY: That's all I have for
17 her.

18 THE COURT: You can step down, and
19 you are excused.

20 (Witness excused.)

21 THE COURT: Your next witness?

22 MR. BAILEY: Your Honor, this is
23 Pete Rose.

24 PETE ROSE

25 The witness, having first been duly sworn or

1 affirmed to speak the truth, the whole truth, and
2 nothing but the truth, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. BAILEY:

5 Q. Would you please tell the ladies and
6 gentlemen of the jury your name?

7 A. Pete Rose.

8 Q. If you could --

9 MR. BAILEY: If I may approach to
10 adjust his microphone for him?

11 Q. If you could, speak into that so
12 everybody can hear you. It's kind of hard to hear
13 sometimes. What was your name again, sir?

14 A. Pete Rose.

15 Q. And how are you employed, sir?

16 A. I'm a store manager at Autozone.

17 Q. Okay. And that's here in Montgomery?

18 A. Yes, sir.

19 Q. Get right to the point. Do you know a
20 person by the name of Vonciel Minnifield?

21 A. Yes, sir.

22 Q. How do you know her?

23 A. I came in contact with Mrs. Minnifield.
24 She came in the store and inquired on a part one
25 afternoon. I just remember the whole thing, but we

1 talked and talked and talked and we finally became
2 friends, and it was just a friendship that we had.

3 Q. Okay.

4 A. Basically, that's how we met. She came
5 in and inquired on a part.

6 Q. Okay. I'm sorry. I'm not understanding
7 what you're saying. She came in to do what?

8 A. Inquire on a part.

9 Q. Okay. Inquiring on a part. Now, did --
10 during the course of the time that you knew
11 Mrs. Minnifield, did you have an opportunity to
12 know a person by the name of John Minnifield?

13 A. Yes, sir.

14 Q. Okay. And can you tell us any dealings
15 that you have had with him, any incidents where you
16 had come into contact with him -- let me ask you
17 this. How many times did you come in contact with
18 him?

19 A. Once.

20 Q. Can you tell the ladies and gentlemen of
21 the jury about that one time that you did come into
22 contact with him?

23 A. Well, Mr. Minnifield entered the store,
24 and I didn't exactly know who he was. He came in
25 and asked me who I was, and I told him who I was,

1 and he explained to me that I knew him. I asked
2 him -- we walked back in the back, and he explained
3 to me that he was Mrs. Minnifield's husband. And
4 in so many other ways he told me to leave her
5 alone. They were going through some problems, and
6 he told me to leave her alone. I just told him we
7 didn't have any -- there wasn't any dealings with
8 me and her. She came in and asked for a part, and
9 that was it. And he just told me to leave her
10 alone. Don't fool with her. Just leave her alone.
11 And he said some more things that I don't think I
12 should say in court.

13 Q. Now, if you don't mind. I understand --
14 the jury understands --

15 THE COURT: Can you set a time
16 frame?

17 Q. Yeah. What time frame is this we're
18 talking about approximately? I don't mean the
19 exact date, but can you tell us approximately --

20 A. Within weeks.

21 Q. Okay. But I'm talking about time frame.
22 What year?

23 A. Couple years ago -- a year ago, something
24 like this.

25 Q. Would this be '98?

1 A. Yes.

2 Q. Okay. Time frame when in 1998?

3 A. That's going to be hard.

4 Q. Spring, summer, winter?

5 A. Spring, because it was hot.

6 Q. Now, I was going to ask you about some
7 statements that you said Mr. Minnifield had made to
8 you that you didn't feel that you could repeat --

9 A. Uh-huh.

10 Q. -- but the jury understands that you're
11 just repeating things he said. Now, if you could
12 please tell us exactly what he said.

13 A. Well, he came in and he told me that
14 Mrs. Minnifield was a carrier of a venereal disease
15 and if I was dealing with her, just leave her alone
16 because she gave him this particular venereal
17 disease, and she's a carrier. And I'm telling him,
18 Why are you telling me this? This is your wife. I
19 don't have no problem with that. But he went on to
20 tell me that she's a carrier of this disease, and
21 she gave him the disease and, you know, it would be
22 to my best interest to leave her alone. And she's
23 trouble. She's trouble, trouble. I think I made
24 my own judgment because Mrs. Minnifield came in
25 just like a regular customer, like all my other

1 customers do, and there wasn't anything going on.
2 But he came in and basically, boastfully, told me
3 to leave her alone because she's a carrier. And I
4 think he had -- I knew he had a lot of anger. He
5 went on to try to tell me some more personal
6 things, and I told him point-blank, that's not my
7 business. I don't want to hear about it. He tried
8 to boastfully tell me, and I just told him I didn't
9 want to hear about it.

10 Q. Did anything else transpire?

11 A. No.

12 Q. Okay. Did he then leave the business?

13 A. Yes.

14 Q. Do you have any idea how he came into
15 contact with you -- any personal knowledge?

16 A. I think the mechanic that Mrs. Minnifield
17 brought in the store --

18 THE COURT: Now, you can't go into
19 what somebody else might have known or told you.

20 Q. I guess what I'm asking you, Mr. Rose,
21 did he advise you when he first starting talking to
22 you or any time during the conversation as to how
23 he got your name or how he wound up at your
24 location?

25 A. Like I said, the mechanic that

1 Mrs. Minnifield brought in, I think. The mechanic
2 and Mr. Minnifield either was working partners
3 or --

4 THE DEFENDANT: Objection on that.

5 THE COURT: I'm going to sustain as
6 to what they -- if he didn't say anything just --

7 MR. BAILEY: That's fine.

8 A. For Mr. Minnifield to know my name, I
9 wear it like it's on here now.

10 Q. Had you ever seen Mr. Minnifield with
11 anybody else with that business -- associated with
12 that business -- your business, I guess?

13 A. No.

14 MR. BAILEY: I don't think I have
15 any other questions of Mr. Rose.

16 CROSS-EXAMINATION

17 BY THE DEFENDANT:

18 Q. Mr. Rose, I want you to think hard. I
19 want you to think back the first time you seen me.

20 THE COURT: Okay. What's your
21 question?

22 Q. The question is: Whom asked who do they
23 know each other? I know you. I know you. Can you
24 remember those words?

25 A. No, sir.

1 Q. I know you. I know you.

2 A. I wouldn't have a reason to ask you, I
3 know, I know you, Mr. Minnifield.

4 Q. You wouldn't have a reason to ask?

5 A. No, sir.

6 Q. But you heard my voice. I have a
7 distinct voice that once a person hear my voice,
8 they never forgot that voice.

9 THE COURT: Now, what is your
10 question, Mr. Minnifield?

11 THE DEFENDANT: I'm fixing to ask it
12 now.

13 Q. Okay. That's what shook your conscious?

14 A. What do you mean shook by conscious?

15 Q. That voice --

16 THE COURT: Are you asking him if he
17 recognized --

18 THE DEFENDANT: I'm asking him --

19 THE COURT: -- your voice from some
20 other occasion?

21 THE DEFENDANT: Yes.

22 THE COURT: Did you recognize his --

23 THE WITNESS: I didn't know him then
24 until when he came in. His voice, his looks, or
25 nothing is not distinct to me.

1 Q. And I came in boastfully, is that what
2 you're saying?

3 A. Yes, you did.

4 Q. You didn't tell me nothing about my wife
5 car that was sitting out there in front of your
6 blazer?

7 A. No, I didn't tell you anything about
8 that.

9 Q. Think now. Think now.

10 A. I don't have to think. I don't have to
11 think.

12 Q. And why it was there?

13 A. No, sir.

14 Q. Okay. I'm going to get off right now,
15 but you're going to be called back up here.

16 THE COURT: No, sir. You need to
17 ask him whatever you're going to ask now.

18 THE DEFENDANT: There's some more
19 that's got to come in, and then I got to put --

20 THE COURT: Mr. Minnifield, whatever
21 you want to ask him, ask him now because I'm going
22 to excuse him.

23 MR. HARTLEY: Your Honor, he is
24 under subpoena as defendant's witness.

25 THE COURT: Well, I have told this

1 witness that I would let him go. They're taking
2 him out of order because he has to get back to
3 business. I'll take this up in a moment. Have you
4 got a phone number where you can be reached?

5 THE WITNESS: Yes, ma'am.

6 THE COURT: I'm going to have him on
7 call. You're still under subpoena. And if it's
8 not connected up, I'm not going to let him just --
9 what else do you need --

10 THE DEFENDANT: As long as he can be
11 called back in because as some other testimony goes
12 around, then it's going to show where this man is
13 purgering himself.

14 THE COURT: Mr. Minnifield, that is
15 an inappropriate comment, and I'll ask that the
16 jury disregard it. You're excused at this time.

17 (Witness excused.)

18 THE COURT: I'm going to take a
19 short break. It may help the procedure. So we'll
20 take about a ten-minute break.

21 (Out of the presence of the jury.)

22 THE COURT: Mr. Minnifield, I want
23 you to make an offer of what you expect the
24 evidence to show that would require this witness to
25 be brought back in.

1 THE DEFENDANT: I'm going to show
2 the evidence where Pete Rose and the night -- and I
3 never denied this -- that I did kick her door in
4 and the reason I kicked her door in was Pete Rose
5 was the guy in the closet, and that's where he
6 heard my voice from.

7 THE COURT: Well, I don't know why
8 you couldn't have asked all of that right now.

9 THE DEFENDANT: He's sitting up
10 there saying one thing, but --

11 THE COURT: I don't know why you
12 couldn't ask him that at this time.

13 THE DEFENDANT: Right. Because I
14 wanted to bring in this other person first, that go
15 along with and tell the same thing, and he know
16 that he was in that apartment. But he is purgering
17 himself --

18 THE COURT: And, Mr. Minnifield, I'm
19 going to caution you right now not to characterize
20 any witness's testimony in that way. I'm about to
21 make a determination that you're not competent to
22 represent yourself and require Mr. Hartley to do
23 so. As I say, you've got to follow the same rules
24 and procedure. And I expect when a witness is
25 called for you to follow up and ask all the

1 questions that can be asked of that witness at that
2 time.

3 One thing I did not put on the record that
4 needs to be put on the record is that
5 Mr. Minnifield, I found at that time, had
6 intelligently waived his right to have counsel. Of
7 course, for the record, Mr. Minnifield, you realize
8 that at any time you can change your mind and
9 request Mr. Hartley to represent you in this case.
10 I don't think that you are helping your case by the
11 way it's being tried, and I would ask -- I'm going
12 to take a short break and, Mr. Hartley, maybe you
13 can just discuss briefly with him about asking
14 questions.

15 Mr. Minnifield, you cannot testify when you
16 ask questions. You just need to ask the questions.
17 And, again, I'm not going to let witnesses just be
18 brought back and forth with something that can be
19 taken up at the time they testify. And I don't
20 know why that could not have been asked of that
21 witness. Let's take about a ten-minute recess.

22 (Brief recess taken.)

23 THE COURT: Mr. Minnifield, let me
24 put something on the record. In your opening
25 statement, you made reference to your wife

1 allegedly having a sexually transmitted disease,
2 and the Court sustained the State's objection to
3 that. I did not see that it was relevant to this
4 charge. But during the State's witness -- second
5 witness, that testimony -- there was testimony
6 regarding that, and you certainly would be able to
7 argue that in closing. Okay.

8 Who is going to be -- you can be getting your
9 next witness.

10 (In the presence of the jury.)

11 MR. BAILEY: Okay. Your next
12 witness?

13 VONCIEL MINNIFIELD

14 The witness, having first been duly sworn or
15 affirmed to speak the truth, the whole truth, and
16 nothing but the truth, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. BAILEY:

19 Q. Would you please tell the ladies and
20 gentlemen of the jury your name?

21 A. Vonciel Minnifield.

22 Q. Mrs. Minnifield, let me get directly to
23 the case at hand. Do you know the person by the
24 name of John Minnifield?

25 A. Yes, I do.

1 Q. And how do you know him?

2 A. He's my husband.

3 Q. When -- I just want to kind of get a
4 history of you and Mr. Minnifield. When did you
5 and Mr. Minnifield meet?

6 A. We met in 1992.

7 Q. And did y'all date for a while?

8 A. Yes, we did.

9 Q. Okay. How long did you date?

10 A. Two years.

11 Q. Two years. And, eventually, you got
12 married?

13 A. Yes.

14 Q. And when did y'all get married?

15 A. October 8th of '94.

16 Q. During the time that you dated
17 Mr. Minnifield and subsequently married
18 Mr. Minnifield, did you ever have any serious
19 problems?

20 A. Not at first, no.

21 Q. Did you ever notice anything that would
22 cause you alarm about Mr. Minnifield?

23 A. Once about two years after we were
24 married, there was an argument. I can't recall
25 what it was, and he shoved me, and, you know, more

1 or less, I told him that I didn't want him putting
2 his hands on me. But I didn't call the police or
3 anything. And that kind of alarmed me.

4 Q. So you were married in October '94,
5 correct?

6 A. Yes.

7 Q. And did y'all live together -- how long
8 did y'all live together as man and wife?

9 A. Four years.

10 Q. So, approximately, sometime in 1998,
11 y'all were no longer living together; is that
12 correct?

13 A. Yes, sir.

14 Q. Do you know approximately what time frame
15 that would be?

16 A. I want to say July.

17 Q. July of 1998?

18 A. Yes, sir.

19 Q. What event caused you two to stop living
20 together, if anything?

21 A. There was an argument. Normally, there's
22 always an argument when he's drunk. And I didn't
23 want to subject my kids to it any longer, so I took
24 my kids and left, as I had done before. We would
25 stay gone an hour or so. And when we would come

1 back, he's normally passed out or asleep. When we
2 came back that night, I remember it was raining and
3 the lock on the front door was changed. And so we
4 went to the back door, and it was changed as well.
5 And the windows, we couldn't get in the windows,
6 and he wouldn't let us in. So I left. And my kids
7 and I stayed at a hotel for two weeks, and I didn't
8 go back. I've never been back.

9 Q. So from that point, did you -- I believe
10 you said it was July of 1998?

11 A. I believe it was.

12 Q. Okay. You made a decision to separate
13 from Mr. Minnifield?

14 A. Yes, sir.

15 Q. Now, what I want to do at this point is
16 talk to you about the events that have occurred
17 since your separation with Mr. Minnifield, if it
18 was July of '98 -- whatever date -- since your
19 separation with him. Can you remember,
20 approximately, the first contact that you had with
21 him after your separation?

22 A. Yes, sir. After living in a hotel for
23 two weeks, I found an apartment in Brookview
24 Apartments. I believe it was the beginning of
25 October. The first incident was where he came to

1 the apartment with a co-worker of mine, and I
2 wouldn't answer the door. I think he questioned
3 some of the kids that were in the courtyard as of
4 where we were living, and they told him. And I
5 wouldn't open the door. Thereafter, one of my
6 neighbors came around and said, He's doing
7 something to your car, but I'm not sure what he's
8 doing. And he had entered the car --

9 THE COURT: Now, wait just a moment.
10 You can't testify to something you didn't
11 personally observe or that someone told you in
12 regard to that. Just what you did. Go ahead.

13 THE WITNESS: Okay.

14 Q. If you could, just tell me what you
15 personally observed or saw or heard from the
16 defendant.

17 A. Okay. I called the police because I
18 didn't know what was going on. When the police
19 arrived, I went outside with the police and
20 actually saw them -- I opened the hood, and they
21 said that my wires had been disconnected. My
22 co-worker was still there, and he said that John
23 had disconnected the wires.

24 THE DEFENDANT: Object to that.

25 THE COURT: Again, you can't go into

1 what a co-worker said. You can only testify to
2 what you saw and observed.

3 THE WITNESS: Okay.

4 A. When I went out with the police, we
5 noticed that my husband was coming back into the
6 apartment complex. And I pointed out that that was
7 my husband, and the police stopped him and talked
8 with him and asked him not to come back into the
9 complex. That was the first incident.

10 Q. Okay. And after that incident, were
11 there any more incidents that you would describe as
12 harassing or bothersome to you?

13 A. Yes.

14 Q. Can you tell us about those?

15 A. I was taking one of my neighbors to pick
16 up his son in Millbrook one morning.

17 Q. Do you know, approximately, when this
18 might be that you're telling us about? What year?

19 A. It was '98. I believe it was early
20 October.

21 Q. Okay.

22 A. And encountered Mr. Minnifield riding on
23 the bypass. At first, I didn't see him. And when
24 I saw him, then he recognized me, and he proceeded
25 to follow us from the northern bypass all the way

1 to the Millbrook exit -- not the Millbrook exit --
2 65 North. He tried to run us off the road several
3 times.

4 Q. Okay. When you said he tried to run you
5 off the road several times, tell us -- you know, if
6 you can paint a picture for the jury exactly what
7 was happening?

8 A. First of all, I was in the lane to go
9 downtown because he was in the I-65 lane to exit.
10 Then he switched over behind me, and so I
11 immediately switched over to 65 because I didn't
12 want him to follow me. He came back over. A truck
13 ran off the ravine as an act of that. I went on up
14 to I-65 North, and he came in an incident of two or
15 three different times maybe two feet from my car.
16 And he was yelling out of the window, I'm going to
17 get you. I'm going to kill you. And I was just
18 like, Leave me alone. Leave me alone.

19 The only thing I could do, there's one turn
20 that you can turn off. Before you go to Millbrook,
21 there's nowhere you can turn off, and I hit brakes
22 real fast and spun into the median, and that's the
23 only way I got away from him. And I went straight
24 to the police department.

25 Q. And at that time, did you sign a warrant

1 on him?

2 A. Yes, sir.

3 Q. Okay. I want to show you what's been
4 marked as State's Exhibit No. 1. I'm going to ask
5 you if you can identify this item.

6 (Showed defendant the exhibit.)

7 Q. Once again, I'm going to show you what's
8 been marked as State's Exhibit No. 1, and ask you
9 if you can identify this document?

10 A. Yes, sir.

11 Q. Okay. If you would, just take a minute
12 and look at that document. And I believe there's
13 two pages there.

14 A. (Witness complies.)

15 Q. Okay. Can you tell the ladies and
16 gentlemen of the jury what that document is?

17 A. It's a reckless endangerment charge,
18 exactly what I just stated.

19 Q. Okay. And is that something that you
20 filled out?

21 A. Yes, sir.

22 Q. Okay. And where did you fill that out
23 at?

24 A. At the city police department.

25 Q. So is that the report that you filled out

1 at the city police department?

2 A. Yes, sir, it is.

3 Q. And does that have the date that you
4 filled that report out?

5 A. Yes, sir.

6 Q. And what is that date?

7 A. November.

8 Q. Okay. Does it have the day?

9 A. 14th.

10 Q. And year?

11 A. '98.

12 Q. And in that document, does it spell out
13 basically what you have told the ladies and
14 gentlemen of the jury about that incident?

15 A. Yes, sir.

16 Q. Now, if I could take this back for just a
17 second?

18 The document that you've identified as the
19 report that you gave to the police, did anything
20 ever happen with this? Was a case ever filed or
21 anything like that?

22 A. I think he was charged with it. So much
23 has happened, I can't remember what he was charged
24 with or what he wasn't. I believe he was charged
25 with it.

1 MR. BAILEY: Your Honor, at this
2 time, we would move to admit State's Exhibit No. 1.
3 It's a certified document from the municipal court
4 signed by the administrator.

5 THE COURT: Okay. Admitted.

6 (State's Exhibit No. 1 was admitted
7 into evidence.)

8 MR. BAILEY: Can I publish this to
9 the jury, Your Honor?

10 Q. Okay. Ms. Minnifield, you've testified
11 about this reckless endangerment. Are there any
12 other events that have occurred between you and
13 Mr. Minnifield since your separation?

14 A. Yes, sir. There was one time when he
15 came to my apartment and --

16 Q. Can you give me a time frame?

17 A. It was -- I believe it was October 29th
18 of '98. He came to my door. It was around 9:30.
19 And he asked to come in, and I told him no. He
20 stated that he wanted a vacuum cleaner that he had
21 bought for me previously. I told him I didn't have
22 a problem with giving it back, but I wasn't going
23 to open my door. I would take it to the accounting
24 firm where he worked the next morning, and he could
25 pick it up from there. And he left. Thereafter,

1 he came back around eleven, and he knocked again.

2 This time he was --

3 THE DEFENDANT: Object to that, Your
4 Honor.

5 THE COURT: Overruled. Go ahead.

6 Q. Okay. You said he came back around
7 eleven?

8 A. Around eleven.

9 Q. Is this a.m. or p.m.?

10 A. This is p.m. This is at night. Around
11 that time, I had just finished cooking dinner for
12 the next day, and the girls and I were in bed. I
13 told him I wasn't going to open the door. He said
14 he only wanted the vacuum cleaner and that was it.
15 I told him I didn't feel comfortable. I would drop
16 it by his office. He left.

17 He came back at 12:30, and he was irate. He
18 sounded to be drunk, because I can tell when he's
19 drunk. He said that if I didn't open the door, he
20 was going to come through the window. Well, we
21 only have one bedroom at the time, and my baby girl
22 was in there. So I woke her up and asked her to
23 come in the hallway so if glass started flying, she
24 wouldn't get hurt. I told her to put some clothes
25 on because I could feel like something was going to

1 happen. He was escalating. He asked me again to
2 open the door, and I wouldn't.

3 At that time, he kicked my front door and the
4 chain caught it. He kicked it a second time, and
5 he kicked the door in. And when he came in, my
6 oldest daughter grabbed a hammer out of a drawer
7 and before she could do anything, he slapped her to
8 the ground. She had just had scoliosis surgery,
9 like, three months before.

10 My youngest daughter got in between -- John
11 came up to me and grabbed me, and I was holding
12 him. He was holding me. I was trying to keep him
13 away from the girls. I was yelling at them to run
14 out the front door and get help. My youngest
15 daughter got in between the two of us, and she was
16 saying, Don't hurt my mom. And my oldest daughter
17 got in between them, and it pushed me farther away
18 from him, and I couldn't no longer hold his hands.
19 And the next thing I remember is he said, I have
20 something for all of y'all. And he reached in his
21 back right pocket, and I thought what I thought was
22 a gun, and I pushed my girls out -- to go out the
23 door, but they wouldn't leave me. My youngest
24 daughter got pushed into the bedroom. And my
25 oldest daughter got pushed back into the living

1 room. And he pulled out a hatchet and everything
2 just happened from there. I told my oldest
3 daughter to run out the door and keep help.

4 THE COURT: We need more question
5 and answer.

6 Q. Okay. You said he pulled out a hatchet.
7 Can you describe that for us?

8 A. It was about twelve inches long.

9 Q. Okay. Did it have a blade on it?

10 A. Yes, sir, it did.

11 Q. After he pulled out the hatchet, what did
12 he do?

13 A. I tried to close the bedroom door. My
14 youngest daughter ran into the bathroom that was in
15 the bedroom and locked herself in. He came in the
16 room. He and I struggled, and we -- I was trying
17 to hold him. And, eventually, he ended up throwing
18 me through the bedroom window.

19 Q. Okay. During the time that these events
20 were occurring, was he saying anything to you?

21 A. Yeah, like, I'm going to kill you. Who's
22 in here? I'm going to kill you. That's about it.

23 And he went to the bathroom door after he
24 threw me through the window. And after he saw it
25 was my youngest daughter in there, he said, I'm not

1 going to hurt you. It's not you I want to hurt,
2 but you better come out before I change my mind.
3 And she just couldn't move, and I told her to jump
4 out the window.

5 Q. Which daughter was that?

6 A. Ashley, my youngest.

7 Q. As a result of him pushing you out the
8 window, did you incur any injuries?

9 A. I had cuts, minor cuts.

10 Q. Once he pushed you through the window,
11 were you on the outside of the house?

12 A. I was. My youngest daughter, I begged
13 her to jump out after he let her out of the
14 bathroom. My oldest daughter came back in the room
15 to see what had happened. And then he pulled the
16 hatchet up at her saying he was going to kill her
17 as well. And I begged her to jump through the
18 window. And as she jumped through, he swung the
19 hatchet at her. She had to get stitches. She got
20 cut as well.

21 Q. What happened then?

22 A. The girls ran to a -- a neighbor was
23 begging them to come inside. She took the girls
24 inside.

25 Q. Do you know that neighbor's name?